

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DENZEL R. DORSEY,

Petitioner,

v.

WILLIAM REUBART, *et al.*

Respondents.

Case No. 3:22-cv-00508-ART-CSD

**Order Serving Petition**

Denzel R. Dorsey has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 and has now paid the filing fee. (ECF Nos. 1-1, 4.) Having completed a preliminary review of the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, the court directs the Clerk of Court to docket it and serve it on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

**IT IS THEREFORE ORDERED** that the Clerk is directed to:

- **FILE and ELECTRONICALLY SERVE** the petition [ECF No. 1-1] on the respondents; and
- ADD Aaron D. Ford, Nevada Attorney General, as counsel for respondents and provide respondents an electronic copy of all items previously filed in this case by regenerating the Notice of Electronic Filing to the office of the AG only.

1 IT IS FURTHER ORDERED that respondents file a response to the petition  
2 within **90 days of service of the petition. Petitioner will then have 45 days**  
3 **from service of the answer, motion to dismiss, or other response to file a**  
4 **reply or opposition.** Any other motions will be subject to the normal briefing  
5 schedule under the local rules.

6 If respondents file a response to the petition, they must comply with  
7 Habeas Rule 5. Additionally:

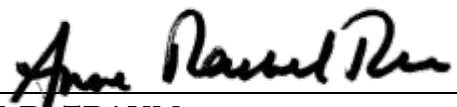
- 8  
9 1. Any procedural defenses raised by respondents in this case should be  
10 raised together in a single consolidated motion to dismiss. In other  
11 words, the court does not wish to address any procedural defenses  
12 raised herein either *in seriatum* fashion in multiple successive motions  
13 to dismiss or embedded in the answer. Procedural defenses omitted  
14 from such motion to dismiss will be subject to potential waiver.
- 15  
16 2. Respondents should not file a response in this case that consolidates  
17 their procedural defenses, if any, with their response on the merits,  
18 except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted  
19 claims clearly lacking merit. If respondents do seek dismissal of  
20 unexhausted claims under § 2254(b)(2): (a) they should do so within  
21 the single motion to dismiss not in the answer; and (b) they should  
22 specifically direct their argument to the standard for dismissal under §  
23 2254(b)(2) set forth in *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9<sup>th</sup>  
24 Cir. 2005). In short, no procedural defenses, including exhaustion,  
25 should be included with the merits in an answer. All procedural  
26  
27  
28

1 defenses, including exhaustion, instead must be raised by motion to  
2 dismiss.

- 3 3. In any answer filed on the merits, respondents must specifically cite to  
4 and address the applicable state-court written decision and state court  
5 record materials, if any, regarding each claim within the response as  
6 to that claim; and  
7  
8 4. Respondents must file a set of state-court exhibits relevant to the  
9 response filed to the petition. Those exhibits must be filed  
10 chronologically and be accompanied by a separate index of exhibits  
11 identifying the exhibits by number. The CM/ECF attachments that  
12 are filed further must be identified by exhibit number. Each exhibit  
13 must be filed as a separate attachment. The purpose of this provision  
14 is to allow the court and any reviewing court thereafter to quickly  
15 determine from the face of the electronic docket sheet which numbered  
16 exhibits are filed in which attachments.  
17

18  
19 IT IS FURTHER ORDERED that, at this time, the parties send courtesy  
20 copies of **any responsive pleading or motion and all INDICES OF EXHIBITS**  
21 **ONLY** to the Reno Division of this court. Courtesy copies must be mailed to the  
22 Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and directed to the attention  
23 of "Staff Attorney" on the outside of the mailing address label. **No further**  
24 **courtesy copies are required unless and until requested by the court.**

25 DATED THIS 24th day of February 2023.

26   
27 ANNE R. TRAUM  
28 UNITED STATES DISTRICT JUDGE